

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 14th day of Sept, 2019, by and between **LEGACY TRAIL, LLC**, a Kentucky limited liability company, 382 N. Lemon Avenue, #213, Walnut, CA 91789, which is the in-care of tax mailing address for the current year (hereinafter "Grantor"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, (hereinafter "Grantee").

WITNESSETH:

That for and in consideration of the sum of **ONE THOUSAND SEVEN HUNDRED SIXTY-EIGHT DOLLARS AND 75/100 DOLLARS (\$1,768.75)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on the attached Exhibit "A", and more particularly described as follows, to wit:

20' Permanent Sanitary Sewer Easement
Cane Run Trunk
Sewer Improvement Project
(a portion of 745 W. New Circle Road)

Return to:
 Charles E. Edwards III
 LFUCG, Dept. of Law, 11th Floor
 200 East Main Street
 Lexington, KY 40507

(CC-F)

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All that tract or parcel of land situated on the east side of Newtown Pike and north of New Circle Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING at a found IBM concrete monument at the common corner of Lexmark International, Inc. (1180-1250 Newtown Pike, DB 1573, PG 381, Tract B) Lexmark International, Inc. (725 W. New Circle Road, DB 1571, PG 341, Tract A) and Hollow Creek Subdivision, Unit 3-G (Plat Cabinet A, Slide 432); thence leaving said common corner along a reference line through the lands of said Lexmark International, Inc. (725 W. New Circle Road) and Legacy Trail, LLC (745 W. New Circle Road, DB 3573, PG 404), South $71^{\circ}17'43''$ West, 738.87 feet to the **TRUE POINT OF BEGINNING**, in the common line of said Legacy Trail, LLC and Lexmark International, Inc. (1180-1250 Newtown Pike); thence for two (2) new lines through the lands of said Legacy Trail, LLC: South $69^{\circ}15'13''$ East, 183.52 feet to a point; thence South $83^{\circ}14'13''$ East, 106.08 feet to a point in the west line of said Lexmark International, Inc., 745 W. New Circle Road; thence with said Lexmark International, Inc. for two (2) lines: South $37^{\circ}17'58''$ East, 18.67 feet to a point; thence South $11^{\circ}34'55''$ East, 6.94 feet to a point; thence leaving said Lexmark International, Inc. for four (4) new lines through the lands of said Legacy Trail, LLC: North $83^{\circ}14'13''$ West, 123.70 feet to a point; thence North $69^{\circ}15'13''$ West, 178.04 feet to a point; thence South $20^{\circ}44'29''$ West, 16.24 feet to a point; thence North $46^{\circ}06'43''$ West, 21.54 feet to a point in the line with said Lexmark International, Inc. (1180-1250 Newtown Pike); thence with said Lexmark International, Inc., North $43^{\circ}53'17''$ East, 30.20 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 6,331 square feet (gross) and 5,986 square feet or 0.14 Acres (net), more or less of permanent easement; and

Being a portion of the same property conveyed to Legacy Trail, LLC, a Kentucky limited liability company, by Deed dated April 13, 2018, of record in Deed Book 3573, Page 404, in the Fayette County Clerk's Office.

FURTHER, for and in consideration of the sum hereinbefore mentioned, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer placement and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on Exhibit "A" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Cane Run Trunk
Sewer Improvement Project
(a portion of 745 W. New Circle Road)

BEGINNING, at a found IBM concrete monument at the common corner of Lexmark International, Inc. (1180-1250 Newtown Pike, DB 1573, PG 381, Tract B) Lexmark International, Inc. (725 W. New Circle Road, DB 1571, PG 341, Tract A) and Hollow Creek Subdivision, Unit 3-G (Plat Cabinet A, Slide 432); thence leaving said common corner along a reference line through the lands of said Lexmark International, Inc. (725 W. New Circle Road) and Legacy Trail, LLC (745 W. New Circle Road, DB 3573, PG 404), South 71°41'19" West, 729.24 feet to the **TRUE POINT OF BEGINNING**, in the common line of said Legacy Trail, LLC and Lexmark International, Inc. (1180-1250 Newtown Pike); thence for two (2) new lines through the lands of said Legacy Trail, LLC: South 69°15'13" East, 178.02 feet to a point; thence South 83°14'13" East, 95.17 feet to a point in the line with said Lexmark International, Inc. (725 W. New Circle Road); thence with said Lexmark International, Inc. for two (2) lines: South 37°17'58" East, 32.59 feet to a point; thence South 11°34'55" East, 17.47 feet to a point; thence leaving said Lexmark International, Inc., for four (4) new lines through the lands of said Legacy Trail, LLC: North 83°14'13" West, 128.24 feet to a point; thence North 69°15'13" West, 169.26 feet to a point; thence South 20°44'29" West, 21.74 feet to a point; thence North 69°15'31" West, 40.05 feet to a point in the line with said Lexmark International, Inc. (1180-

1250 Newtown Pike); thence with said Lexmark International, Inc., North 43°53'17" East, 67.15 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains a total area of 12,922 square feet (gross) and 5,732 square feet or 0.13 Acres (net), more or less of temporary construction easement; and,

Being a portion of the same property conveyed to Legacy Trail, LLC, a Kentucky limited liability company, by Deed dated April 13, 2018, of record in Deed Book 3573, Page 404, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described easements together with all rights, appurtenances, and improvements thereunto belonging unto Grantee, its successors and assigns forever, for the purposes and uses herein designated.

The above-described temporary easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantor. The temporary easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantor shall have the full right to use the surface of the land lying over said permanent easement for any purpose desired, provided such use will not interfere with the Grantee's free use of the easement herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easement without prior written consent of the Grantee.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does

ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Los Angeles }

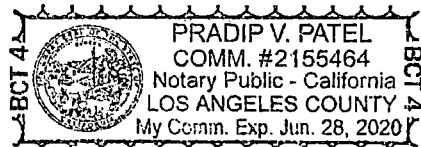
On ^{ten} 14 September 2019 before me, Pradip V. Patel - Notary Public
(Here insert name and title of the officer)

personally appeared Lianya Pan,
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature *Pradip V. Patel* (Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
Deed of Easement
(Title or description of attached document)
(Title or description of attached document continued)
 Number of Pages 5 Document Date 09/14/19

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

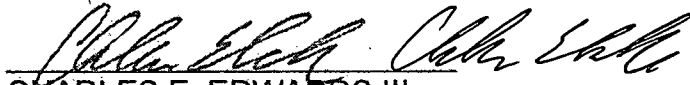
(Title)
 Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple

PREPARED BY:



CHARLES E. EDWARDS III
Attorney
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

X:\Cases\WATER-AIR\19-RE0115\RE\00665592.DOC

I, Donald W Blevins Jr, County Court Clerk
of Fayette County, Kentucky, hereby
certify that the foregoing instrument
has been duly recorded in my office.



By: SHEA BROWN ,dc

201910310163

October 31, 2019 14:30:41 PM

Fees	\$29.00	Tax	\$.00
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Total Paid	\$29.00
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THIS IS THE LAST PAGE OF THE DOCUMENT

8 Pages

551 - 558

MAYOR LINDA GORTON



LEXINGTON

SUSAN B. SPECKERT
COMMISSIONER
DEPARTMENT OF LAW

To: Abigail Allan, Council Clerk
Council Clerk's Office

From: Department of Law

Date: October 31, 2019

Re: Deed of Permanent Sanitary Sewer and
Temporary Construction Easement
745 W. New Circle Road

Our File No. 19-RE0115
Cane Run Trunk
Sewer Improvement Project

Enclosed is the original recorded Deed of Permanent Sanitary Sewer and Temporary Construction Easement for the above property to the Urban County Government for the Cane Run Trunk Sewer Improvement Project. Please file the easement with the authorizing legislation, Resolution No. 41-2019.

Please note that the attached asset acquisition form is only for the permanent easement acquired.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

X:\Cases\WATER-AIR\19-RE0115\MEMO\00672180.DOC

